

HOUSE BILL 1252

D4, J2
HB 600/18 – JUD

9lr2801

By: **Delegates McComas, Anderson, Arikan, Dumais, Lisanti, and Malone**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Training of Health Care Professionals**

3 FOR the purpose of requiring the Maryland Department of Health to provide certain boards
4 with a list of certain recommended courses relating to the obligation to report child
5 abuse and neglect and the identification of abused and neglected children; requiring
6 certain boards to post a certain list prominently on each board's website, provide
7 information about certain recommended courses to certain health care professionals
8 at a certain time, and advertise the availability of certain recommended courses in
9 certain media; defining certain terms; and generally relating to child abuse and
10 neglect and the training of certain health care professionals.

11 BY repealing and reenacting, without amendments,
12 Article – Family Law
13 Section 5–704
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2018 Supplement)

16 BY adding to
17 Article – Health Occupations
18 Section 1–225
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2018 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Family Law**

24 5–704.

25 (a) Notwithstanding any other provision of law, including any law on privileged

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 communications, each health practitioner, police officer, educator, or human service
2 worker, acting in a professional capacity in this State:

3 (1) who has reason to believe that a child has been subjected to abuse or
4 neglect, shall notify the local department or the appropriate law enforcement agency; and

5 (2) if acting as a staff member of a hospital, public health agency, child care
6 institution, juvenile detention center, school, or similar institution, shall immediately
7 notify and give all information required by this section to the head of the institution or the
8 designee of the head.

9 (b) (1) An individual who notifies the appropriate authorities under subsection
10 (a) of this section shall make:

11 (i) an oral report, by telephone or direct communication, as soon as
12 possible to the local department or appropriate law enforcement agency; and

13 (ii) a written report:

14 1. to the local department not later than 48 hours after the
15 contact, examination, attention, or treatment that caused the individual to believe that the
16 child had been subjected to abuse or neglect; and

17 2. with a copy to the local State's Attorney.

18 (2) (i) An agency to which an oral report of suspected abuse or neglect
19 is made under paragraph (1) of this subsection shall immediately notify the other agency.

20 (ii) This paragraph does not prohibit a local department and an
21 appropriate law enforcement agency from agreeing to cooperative arrangements.

22 (c) Insofar as is reasonably possible, an individual who makes a report under this
23 section shall include in the report the following information:

24 (1) the name, age, and home address of the child;

25 (2) the name and home address of the child's parent or other person who is
26 responsible for the child's care;

27 (3) the whereabouts of the child;

28 (4) the nature and extent of the abuse or neglect of the child, including any
29 evidence or information available to the reporter concerning possible previous instances of
30 abuse or neglect; and

31 (5) any other information that would help to determine:

- 1 (i) the cause of the suspected abuse or neglect; and
2 (ii) the identity of any individual responsible for the abuse or neglect.

3 **Article – Health Occupations**

4 **1-225.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) “BOARD” MEANS:

- 8 (I) THE STATE BOARD OF DENTAL EXAMINERS;
9 (II) THE STATE BOARD OF NURSING;
10 (III) THE STATE BOARD OF EXAMINERS IN OPTOMETRY;
11 (IV) THE STATE BOARD OF PHARMACY;
12 (V) THE STATE BOARD OF PHYSICIANS;
13 (VI) THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS;
14 (VII) THE STATE BOARD OF PROFESSIONAL COUNSELORS AND
15 THERAPISTS;
16 (VIII) THE STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS;
17 (IX) THE STATE BOARD OF SOCIAL WORK EXAMINERS; AND
18 (X) ANY OTHER BOARD AUTHORIZED UNDER THIS ARTICLE TO
19 TAKE ACTION AGAINST AN APPLICANT, A LICENSEE, A CERTIFICATE HOLDER, A
20 REGISTRANT, OR A PERMIT HOLDER WHO KNOWINGLY FAILS TO REPORT SUSPECTED
21 CHILD ABUSE IN VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE.

22 (3) “HEALTH CARE PROFESSIONAL” MEANS:

- 23 (I) A DENTIST LICENSED BY THE STATE BOARD OF DENTAL
24 EXAMINERS;
25 (II) A REGISTERED NURSE OR LICENSED PRACTICAL NURSE
26 LICENSED BY THE STATE BOARD OF NURSING;

1 (III) AN OPTOMETRIST LICENSED BY THE STATE BOARD OF
2 EXAMINERS IN OPTOMETRY;

3 (IV) A PHARMACIST LICENSED BY THE STATE BOARD OF
4 PHARMACY;

5 (V) A PHYSICIAN LICENSED BY THE STATE BOARD OF
6 PHYSICIANS;

7 (VI) A PODIATRIST LICENSED BY THE STATE BOARD OF
8 PODIATRIC MEDICAL EXAMINERS;

9 (VII) AN INDIVIDUAL LICENSED BY THE STATE BOARD OF
10 PROFESSIONAL COUNSELORS AND THERAPISTS;

11 (VIII) A PSYCHOLOGIST LICENSED BY THE STATE BOARD OF
12 EXAMINERS OF PSYCHOLOGISTS;

13 (IX) AN ASSOCIATE SOCIAL WORKER, A GRADUATE SOCIAL
14 WORKER, A CERTIFIED SOCIAL WORKER, OR A CERTIFIED SOCIAL
15 WORKER-CLINICAL LICENSED BY THE STATE BOARD OF SOCIAL WORK EXAMINERS;
16 AND

17 (X) ANY OTHER APPLICANT, LICENSEE, CERTIFICATE HOLDER,
18 REGISTRANT, OR PERMIT HOLDER GOVERNED BY A BOARD.

19 (B) THE DEPARTMENT SHALL PROVIDE TO EACH BOARD A LIST OF
20 RECOMMENDED COURSES ON:

21 (1) THE OBLIGATION TO REPORT ABUSE AND NEGLECT AS REQUIRED
22 BY § 5-704 OF THE FAMILY LAW ARTICLE; AND

23 (2) THE IDENTIFICATION OF ABUSED AND NEGLECTED CHILDREN.

24 (C) EACH BOARD SHALL:

25 (1) POST THE LIST OF RECOMMENDED COURSES PROVIDED TO THE
26 BOARD UNDER SUBSECTION (B) OF THIS SECTION PROMINENTLY ON THE BOARD'S
27 WEBSITE;

28 (2) PROVIDE INFORMATION ABOUT THE RECOMMENDED COURSES TO
29 HEALTH CARE PROFESSIONALS AT THE TIME OF RENEWAL OF LICENSURE; AND

30 (3) ADVERTISE THE AVAILABILITY OF THE RECOMMENDED COURSES

1 IN THE NEWSLETTERS AND ANY OTHER MEDIA PUBLISHED BY THE BOARD.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2019.